



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,625	01/17/2001	Don F. Kesterson	067647.0117	8122

7590 11/01/2005

Barton E. Showalter, Esq.
Baker Botts L.L.P.
2001 Ross Avenue
Dallas, TX 75201-2980

EXAMINER

SINGH, RAMNANDAN P

ART UNIT	PAPER NUMBER
----------	--------------

2646

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/764,625

Applicant(s)

KESTERSON ET AL.

Examiner

Ramnandan Singh

Art Unit

2646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on Jun 14, 2005 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 8, 10, 14-16 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Klupt et al [US 5,014,299].

Regarding claim 1, Klupt et al teach communication coupling (i.e. Modem coupler) shown in Fig. 4, comprising:

a first communication port (i.e. modem coupler) operable to communicate with a network component (not shown) on lines 15 [Fig. 1], the first communication port having first and second paths of communication [Fig. 4]; and

a switch (29) coupled with the first communication port , the switch having a first position in which the first communication port is operable to receive a first communication signal from the network component using the first path of communication and is operable to transmit a second communication signal to the network component using the second path of communication , and a second position in which the first communication port is operable to receive the first communication signal from the network component using the second communication path and is operable to transmit the second communication signal to the network component using the first communication path [Figs. 1-4; col. 4, line 27 to col. 5, line 5; col. 6, lines 2-28].

Regarding claim 10, Klupt et al teach a communication coupling (i.e. modem coupler) shown in Fig. 4, comprising:

a first communication port (MC) having first and second paths of communication with a network component on lines 15 [Fig. 1], and operable to receive a first communication signal from the network component using the first path of communication [Fig. 4];

a second communication port (10) operable to transmit the first communication signal to a communication system [Fig. 1];

a third communication port (16) operable to receive a second communication signal from the communication system; and

the first communication port further operable to transmit the second communication signal to the network component using the second path of communication [Figs. 1-4; col. 4, line 27 to col. 5, line 5; col. 6, lines 2-28].

Regarding claim 16, Klupt et al teach a method for distributing first and second communication signals shown in Figs. 1, 4, comprising:

receiving a first communication signal at a communication coupling (modem coupling) using a first path of communication between the communication coupling and a network component (not shown) on lines 15;

transmitting the first communication signal from the communication coupling to a communication system connected to lines 15 [Fig. 1];

receiving the second communication signal at the communication coupling from the communication system; and

transmitting the second communication signal to the network component using a second path of communication between the communication coupling and the network component [Figs. 1-4; col. 4, line 27 to col. 5, line 5; col. 6, lines 2-28].

Claim 23 is essentially similar to claim 16 and is rejected for the reasons stated above.

Regarding claim 2, Klupt et al further teach the communication coupling comprising a second communication port (10) operable to communicate with a

communication system , the second communication port further operable to transmit the second communication signal to the first communication port (MC) [Fig. 4].

Regarding claim 3, Klupt et al further teach the communication coupling comprising a third communication port (16) operable to transmit the first communication signal to the communication system [Figs. 2, 3].

Claim 15 is essentially similar to claim 3 and is rejected for the reasons stated above.

Regarding claim 8, Klupt et al further teach the communication coupling, wherein the first communication signal includes a digital subscriber line (DSL) signal and a first analog telephone signal (i.e. voice (V)) for modem (16), and the second communication signal includes a second analog telephone signal for telephone set (10) [Fig. 4].

Claim 14 is essentially similar to claim 8 and is rejected for the reasons stated above.

4. Claims 1-19 and 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Sherlock [US 20020028521 A1].

Regarding claim 1, Sherlock teaches a communication coupling (60) shown in

Fig. 1, comprising:

a first communication port (12) operable to communicate with a network component on TELCO, the first communication port (12) having first and second paths of communication [Figs. 1, 5-6]; and

a switch (60) coupled with the first communication port , the switch having a first position in which the first communication port is operable to receive a first communication signal from the network component using the first path of communication and is operable to transmit a second communication signal to the network component using the second path of communication , and a second position in which the first communication port is operable to receive the first communication signal from the network component using the second communication path and is operable to transmit the second communication signal to the network component using the first communication path [Figs.1-7; Para: 0010-0021; 0034-0037; 0050-0054].

Regarding claim 10, Sherlock a communication coupling (60) shown in Fig. 5-6, comprising:

a first communication port (12) having first and second paths of communication with a network component on TELCO, and operable to receive a first communication signal from the network component using the first path of communication [Figs. 1, 5-6];

a second communication port (RJ11₂) operable to transmit the first communication signal to a communication system [Fig. 1];

a third communication port (RJ11₁) operable to receive a second communication signal from the communication system [Fig. 1]; and

the first communication port further operable to transmit the second communication signal to the network component using the second path of communication [Figs.1-7; Para: 0010-0021; 0034-0037; 0050-0054].

Regarding claim 16, Sherlock teaches a method for distributing first and second communication signals shown in Figs. 1, 5-6, comprising:

receiving a first communication signal at a communication coupling (12) using a first path of communication between the communication coupling and a network component on TELCO [Para: 0010-0012] ;

transmitting the first communication signal from the communication coupling to a communication system [Fig. 1];

receiving the second communication signal at the communication coupling from the communication system [Fig. 1]; and

transmitting the second communication signal to the network component using a second path of communication between the communication coupling and the network component [Figs.1-7; Para: 0010-0021; 0034-0037; 0050-0054].

Claim 23 is essentially similar to claim 16 and is rejected for the reasons stated above.

Regarding claim 2, Sherlock further teaches the communication coupling comprising a second communication port (RJ11₂) operable to communicate with a communication system, the second communication port further operable to transmit the second communication signal to the first communication port (12) [Figs. 1, 5-6; Para: 0034-0037; 0050-0054].

Regarding claim 3, Sherlock further teaches the communication coupling (12) comprising a third communication port (RJ11₁) operable to transmit the first communication signal to the communication system [Figs. 1, 5-6; Para: 0034-0037; 0050-0054].

Claim 15 is essentially similar to claim 3 and is rejected for the reasons stated above.

Regarding claim 4, Sherlock further teaches the communication coupling (12), wherein the second communication signal includes a first frequency band and a second frequency band [Para: 0054], and further comprising a filter (14) coupled with the first communication port (12) and operable to separate the first frequency band from the second frequency band [Figs. 1, 5-6].

Claims 11, 17, 24 are essentially similar to claim 4 and are rejected for the reasons stated above.

Regarding claim 5, Sherlock further teaches the communication coupling (12) comprising third and fourth communication paths coupling the communication coupling with a communication system on TELCO, the third communication path transmitting the first frequency band to the communication system and the second communication path transmitting the first and second frequency bands to the communication system [Figs. 1-7; Para: 0010-0021; 0034-0037; 0050-0054].

Claims 13, 19, 25 are essentially similar to claim 5 and are rejected for the reasons stated above.

Regarding claim 6, Sherlock further teaches the communication coupling (12), wherein the third communication path includes a first pair of conductors, and the fourth communication path includes a second pair of conductors [Figs. 1, 5-6; Para: 0011-0020; 0034-0037; 0050-0054].

Claim 12 is essentially similar to claim 6 except for a switch. Sherlock teaches using a switch (60) to change a path of communication [Figs. 5-6].

Claim 18 is essentially similar to claim 12 and is rejected for the reasons stated above.

Regarding claim 7, Sherlock further teaches the communication coupling (12), wherein the first communication port (12) comprises an RJ-11 coupling and the first path of communication comprises an inner pair of conductors [Fig. 1].

Regarding claim 8, Sherlock further teaches the communication coupling (12), wherein the first communication signal includes a digital subscriber line (DSL) signal and a first analog telephone signal (i.e. voice (V)), and the second communication signal includes a second analog telephone signal [Figs. 1-7; Para: 0009; 0011-0020; 0034-0037; 0050-0054].

Claim 14 is essentially similar to claim 8 and is rejected for the reasons stated above.

Regarding claim 9, Sherlock further teaches the communication coupling (12), wherein the third communication port (RJ11₁) that includes an RJ-11, a variant of RJ-45 [Fig.1; 0010-0012].

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherlock [US 20030147513 A1] in view of Price et al [US 6,222,910 B1].

Regarding claim 20, Sherlock teaches a method for distributing first and second communication signals shown in Figs. 1, 5-6, comprising:

receiving a first communication signal at a communication coupling (12) using a first path of communication between the communication coupling and a network component on TELCO [Para: 0010-0012] ;

transmitting the first communication signal from the communication coupling to a communication system [Fig. 1];

receiving the second communication signal at the communication coupling from the communication system [Fig. 1]; and

transmitting the second communication signal to the network component using a second path of communication between the communication coupling and the network component [Figs.1-7; Para: 0010-0021; 0034-0037; 0050-0054].

Sherlock does not teach expressly a computer-readable medium having executable instructions to execute the method. However, this method of using a computer-readable medium to execute a method is well-known in the art.

Price et al teach illustrating a method for a telephone interface using a computer-readable medium comprising RAM, ROM, EEPROM, CD-ROM or other storage devices

Art Unit: 2646

to store the desired executable instructions which can be accessed by a computer to execute the instructions [col. 7, lines 10-49; col. 12, line 57 to col. 13, line 5; col. 19, line 28 to col. 20, line 32].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the computer-readable medium of Price et al with Sherlock in order to automate the method of using the communication coupling and speed up the home networking system.

Regarding claim 21, the combination of Sherlock and Price et al further teaches the computer readable medium, wherein the second communication signal includes a first frequency band and a second frequency band [Para: 0054], and further comprising a logic (i.e. a filter (14)) coupled with the first communication port (12) and operable to separate the first frequency band from the second frequency band [Figs. 1, 5-6].

Regarding claim 22, the combination of Sherlock and Price et al further teaches the computer readable medium, wherein the logic is further operable to communicate the first frequency band with the communication system using a third communication path, and communicate the first and second frequency bands with the communication system using a fourth communication path [Sherlock; Figs.1-7; Para: 0010-0021; 0034-0037; 0050-0054].

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) Brown [US 5,822,406] teaches a switching circuits routing audio and data signals between a modem, telephone, and I/O devices [Whole document]; and

(ii) Sawai et al [US 5,802,471] teach a mobile communication system [Abstract; Figs. 1-4].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramnandan Singh whose telephone number is (571) 272-7529. The examiner can normally be reached on M-TH (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramnandan Singh
Examiner
Art Unit 2646


SINH TRAN
SUPERVISORY PATENT EXAMINER

